



General Assembly

Substitute Bill No. 5910

February Session, 2008

* _____ HB05910HS _____ 031808 _____ *

**AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF THE
DEPARTMENT OF SOCIAL SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective July 1, 2008*) For the fiscal year ending June 30,
2 2009, and each fiscal year thereafter, for any new or expanded
3 initiative included in the appropriation to the Department of Social
4 Services in the budget document, the Commissioner of Social Services
5 shall issue quarterly progress reports on the status of the
6 implementation of such initiatives to the joint standing committees of
7 the General Assembly having cognizance of matters relating to
8 appropriations and the budgets of state agencies and human services,
9 and to the Office of Fiscal Analysis, in accordance with section 11-4a of
10 the general statutes.

11 Sec. 2. Section 17b-10 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2008*):

13 (a) The Department of Social Services shall prepare and routinely
14 update state medical services and public assistance manuals. The
15 pages of such manuals shall be consecutively numbered and indexed,
16 containing all departmental policy regulations and substantive
17 procedure, written in clear and concise language. Said manuals shall
18 be published by the department and distributed so that they are
19 available to (1) all regional and subregional offices of the Department

20 of Social Services; (2) each town hall in the state; (3) all legal assistance
21 programs in the state; and (4) any interested member of the public who
22 requests a copy. All policy manuals of the department, as they exist on
23 May 23, 1984, including the supporting bulletins but not including
24 statements concerning only the internal management of the
25 department and not affecting private rights or procedures available to
26 the public, shall be construed to have been adopted as regulations in
27 accordance with the provisions of chapter 54. [After] For the period
28 commencing May 23, 1984, and ending December 31, 2008, any policy
29 issued by the department, except a policy necessary to conform to a
30 requirement of a federal or joint federal and state program
31 administered by the department, including, but not limited to, the state
32 supplement program to the Supplemental Security Income Program,
33 shall be adopted as a regulation in accordance with the provisions of
34 chapter 54. On and after January 1, 2009, any policy issued by the
35 department shall be adopted as a regulation in accordance with the
36 provisions of chapter 54. The provisions of subsections (b), (c) and (d)
37 of this section shall not apply to any policy issued after December 31,
38 2008.

39 (b) The department shall adopt as a regulation in accordance with
40 the provisions of chapter 54, any new policy necessary to conform to a
41 requirement of an approved federal waiver application initiated in
42 accordance with section 17b-8 of the 2008 supplement to the general
43 statutes and any new policy necessary to conform to a requirement of a
44 federal or joint state and federal program administered by the
45 department, including, but not limited to, the state supplement
46 program to the Supplemental Security Income Program, but the
47 department may, for the period commencing May 23, 1984, and ending
48 December 31, 2008, operate under such policy while it is in the process
49 of adopting the policy as a regulation, provided the Department of
50 Social Services prints notice of intent to adopt the regulation in the
51 Connecticut Law Journal within twenty days after adopting the policy.
52 Such policy shall be valid until the time final regulations are effective.

53 (c) On and after July 1, 2004, the department shall submit proposed

54 regulations that are required by subsection (b) of this section to the
55 standing legislative regulation review committee, as provided in
56 subsection (b) of section 4-170, not later than one hundred eighty days
57 after publication of the notice of its intent to adopt regulations. The
58 department shall include with the proposed regulation a statement
59 identifying (1) the date on which the proposed regulation became
60 effective as a policy as provided in subsection (b) of this section, and
61 (2) any provisions of the proposed regulation that are no longer in
62 effect on the date of the submittal of the proposed regulation, together
63 with a list of all policies that the department has operated under, as
64 provided in subsection (b) of this section, that superseded any
65 provision of the proposed regulation.

66 (d) In lieu of submitting proposed regulations by the date specified
67 in subsection (c) of this section, the department may submit to the
68 legislative regulation review committee a notice not later than thirty-
69 five days before such date that the department will not be able to
70 submit the proposed regulations on or before such date and shall
71 include in such notice (1) the reasons why the department will not
72 submit the proposed regulations by such date, and (2) the date by
73 which the department will submit the proposed regulations. The
74 legislative regulation review committee may require the department to
75 appear before the committee at a time prescribed by the committee to
76 further explain such reasons and to respond to any questions by the
77 committee about the policy. The legislative regulation review
78 committee may request the joint standing committee of the General
79 Assembly having cognizance of matters relating to human services to
80 review the department's policy, the department's reasons for not
81 submitting the proposed regulations by the date specified in
82 subsection (c) of this section and the date by which the department will
83 submit the proposed regulations. Said joint standing committee may
84 review the policy, such reasons and such date, may schedule a hearing
85 thereon and may make a recommendation to the legislative regulation
86 review committee.

87 (e) If amendments to an existing regulation are necessary solely to

88 conform the regulation to amendments to the general statutes, and if
89 the amendments to the regulation do not entail any discretion by the
90 department, the department may elect to comply with the
91 requirements of subsection (a) of section 4-168 of the 2008 supplement
92 to the general statutes or may proceed without prior notice or hearing.
93 Any such amendments to a regulation shall be submitted in the form
94 and manner prescribed in subsection (b) of section 4-170, to the
95 Attorney General, as provided in section 4-169, and to the committee,
96 as provided in section 4-170, for approval and upon approval shall be
97 filed in the office of the Secretary of the State.

98 (f) On and after January 1, 2009, concurrent with the submission of a
99 proposed regulation to the standing legislative regulation review
100 committee, in accordance with subsection (b) of section 4-170, (1) the
101 department shall submit such proposed regulation to the joint
102 standing committee of the General Assembly having cognizance of
103 matters relating to human services. The joint standing committee of the
104 General Assembly having cognizance of matters relating to human
105 services shall review such proposed regulation and make a
106 recommendation to the legislative regulation review committee on
107 whether such regulation should be approved; (2) the department shall
108 submit any proposed regulation affecting the Medicaid program and
109 the HUSKY Plan to the advisory council on Medicaid managed care,
110 established pursuant to section 17b-28, as amended by this act. Said
111 council shall review the proposed regulation and make a
112 recommendation to the legislative regulation review committee on
113 whether such regulation should be approved; and (3) the Departments
114 of Social Services and Children and Families shall submit any
115 proposed regulation affecting the Behavioral Health Partnership to the
116 Behavioral Health Partnership Oversight Council, established
117 pursuant to section 17a-22j. Said council shall review the proposed
118 regulation and make a recommendation to the legislative regulation
119 review committee on whether such regulation should be approved.

120 Sec. 3. Subsection (b) of section 17b-28 of the 2008 supplement to the
121 general statutes is repealed and the following is substituted in lieu

122 thereof (*Effective July 1, 2008*):

123 (b) The council shall make recommendations concerning (1)
124 guaranteed access to enrollees and effective outreach and client
125 education; (2) available services comparable to those already in the
126 Medicaid state plan, including those guaranteed under the federal
127 Early and Periodic Screening, Diagnostic and Treatment Services
128 Program under 42 USC 1396d; (3) the sufficiency of provider networks;
129 (4) the sufficiency of capitated rates provider payments, financing and
130 staff resources to guarantee timely access to services; (5) participation
131 in managed care by existing community Medicaid providers; (6) the
132 linguistic and cultural competency of providers and other program
133 facilitators; (7) quality assurance; (8) timely, accessible and effective
134 client grievance procedures; (9) coordination of the Medicaid managed
135 care plan with state and federal health care reforms; (10) eligibility
136 levels for inclusion in the program; (11) cost-sharing provisions; (12) a
137 benefit package; (13) coordination with coverage under the HUSKY
138 Plan, Part B; (14) the need for program quality studies within the areas
139 identified in this section and the department's application for available
140 grant funds for such studies; (15) the managed care portion of the
141 state-administered general assistance program; (16) any proposed
142 regulations of the Department of Social Services concerning the
143 Medicaid program and the HUSKY Plan in accordance with subsection
144 (f) of section 17b-10, as amended by this act; and [(16)] (17) other issues
145 pertaining to the development of a Medicaid Research and
146 Demonstration Waiver under Section 1115 of the Social Security Act.

147 Sec. 4. Subsection (f) of section 17a-22j of the general statutes is
148 repealed and the following is substituted in lieu thereof (*Effective July*
149 *1, 2008*):

150 (f) The council shall make specific recommendations on matters
151 related to the planning and implementation of the Behavioral Health
152 Partnership which shall include, but not be limited to: (1) Review of
153 any contract entered into by the Departments of Children and Families
154 and Social Services with an administrative services organization, to

155 assure that the administrative services organization's decisions are
156 based solely on clinical management criteria developed by the clinical
157 management committee established in section 17a-22k; (2) review of
158 behavioral health services pursuant to Title XIX and Title XXI of the
159 Social Security Act to assure that federal revenue is being maximized;
160 (3) review of any proposed regulations concerning the Behavioral
161 Health Partnership submitted by the Departments of Children and
162 Families and Social Services in accordance with subsection (f) of
163 section 17b-10, as amended by this act; and [(3)] (4) review of periodic
164 reports on the program activities, finances and outcomes, including
165 reports from the director of the Behavioral Health Partnership on
166 achievement of service delivery system goals, pursuant to section 17a-
167 22i. The council may conduct or cause to be conducted an external,
168 independent evaluation of the Behavioral Health Partnership.

169 Sec. 5. Subsection (a) of section 17b-297 of the 2008 supplement to
170 the general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective July 1, 2008*):

172 (a) The commissioner, in consultation with the Children's Health
173 Council, the [Medicaid Managed Care Council] advisory council on
174 Medicaid managed care, established pursuant to section 17b-28 of the
175 2008 supplement to the general statutes, as amended by this act, and
176 the 2-1-1 Infoline program, shall develop mechanisms to increase
177 outreach and maximize enrollment of eligible children and adults in
178 the HUSKY Plan, Part A or Part B, including, but not limited to,
179 development of mail-in applications and appropriate outreach
180 materials through the Department of Revenue Services, the Labor
181 Department, the Department of Social Services, the Department of
182 Public Health, the Department of Children and Families and the Office
183 of Protection and Advocacy for Persons with Disabilities. Such
184 mechanisms shall seek to maximize federal funds where appropriate
185 for such outreach activities.

186 Sec. 6. Section 17b-306a of the 2008 supplement to the general
187 statutes is repealed and the following is substituted in lieu thereof

188 (Effective July 1, 2008):

189 (a) The Commissioner of Social Services, in collaboration with the
190 Commissioners of Public Health and Children and Families, shall
191 establish a child health quality improvement program for the purpose
192 of promoting the implementation of evidence-based strategies by
193 providers participating in the HUSKY Plan, Part A and Part B to
194 improve the delivery of and access to children's health services. Such
195 strategies shall focus on physical, dental and mental health services
196 and shall include, but need not be limited to: (1) Methods for early
197 identification of children with special health care needs; (2) integration
198 of care coordination and care planning into children's health services;
199 (3) implementation of standardized data collection to measure
200 performance improvement; and (4) implementation of family-centered
201 services in patient care, including, but not limited to, the development
202 of parent-provider partnerships. The Commissioner of Social Services
203 shall seek the participation of public and private entities that are
204 dedicated to improving the delivery of health services, including
205 medical, dental and mental health providers, academic professionals
206 with experience in health services research and performance
207 measurement and improvement, and any other entity deemed
208 appropriate by the Commissioner of Social Services, to promote such
209 strategies. The commissioner shall ensure that such strategies reflect
210 new developments and best practices in the field of children's health
211 services. As used in this section, "evidence-based strategies" means
212 policies, procedures and tools that are informed by research and
213 supported by empirical evidence, including, but not limited to,
214 research developed by organizations such as the American Academy
215 of Pediatrics, the American Academy of Family Physicians, the
216 National Association of Pediatric Nurse Practitioners and the Institute
217 of Medicine.

218 (b) Not later than July 1, 2008, and annually thereafter, the
219 Commissioner of Social Services shall report, in accordance with
220 section 11-4a, to the joint standing committees of the General
221 Assembly having cognizance of matters relating to human services,

222 public health and appropriations, and to the [Medicaid Managed Care
 223 Council] advisory council on Medicaid managed care, established
 224 pursuant to section 17b-28 of the 2008 supplement to the general
 225 statutes, as amended by this act, on (1) the implementation of any
 226 strategies developed pursuant to subsection (a) of this section, and (2)
 227 the efficacy of such strategies in improving the delivery of and access
 228 to health services for children enrolled in the HUSKY Plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	17b-10
Sec. 3	<i>July 1, 2008</i>	17b-28(b)
Sec. 4	<i>July 1, 2008</i>	17a-22j(f)
Sec. 5	<i>July 1, 2008</i>	17b-297(a)
Sec. 6	<i>July 1, 2008</i>	17b-306a

HS *Joint Favorable Subst.*